

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARY MILLER,
Plaintiff,

v.

WHOLESALE AMERICA MORTGAGE,
INC., et al.,
Defendants.

Case No. 12-cv-03481-JST

ORDER REMANDING CASE

Defendants removed this case to this Court from Marin County Superior Court on the sole ground that Plaintiff asserted causes of action arising under federal law. Notice of Removal, ECF No. 1, at ¶ 3. This Court recently dismissed Plaintiff's only extant federal cause of action, and noted that the Court would be unlikely to exercise supplemental jurisdiction over the case in the absence of a viable federal claim. Order Denying Plaintiff's Motion to Remand, and Granting in Part and Denying in Part Defendants' Motion to Dismiss without Prejudice, ECF No. 45. The Court granted Plaintiff leave to amend, but she has not re-asserted her federal claim in her Third Amended Complaint ("TAC"). ECF No. 46. Dismissal is therefore final as to that claim.

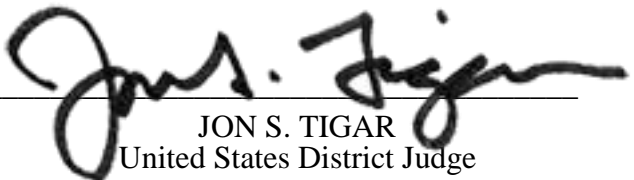
This is now a case arising solely under California law with a California plaintiff and at least some California defendants. See TAC at ¶¶ 1, 3 & 6. "[I]n the usual case in which all federal-law claims are eliminated before trial, the balance of factors to be considered under the pendent jurisdiction doctrine - judicial economy, convenience, fairness, and comity - will point toward declining to exercise jurisdiction over the remaining state-law claims." Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350, n.7 (1988). "Needless decisions of state law should be avoided both as a matter of comity and to promote justice between the parties, by procuring for them a surer-footed reading of applicable law." United Mine Workers of Am. v. Gibbs, 383 U.S.

1 715, 726 (1966). Accordingly, the Court declines to exercise jurisdiction over the remaining
2 claims in this case.

3 The case is hereby REMANDED to Marin County Superior Court. The Clerk shall close
4 the file.

5 **IT IS SO ORDERED.**

6 Dated: May 8, 2013

7 
8 JON S. TIGAR
United States District Judge

United States District Court
Northern District of California